IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

WP(C).No. 5450 of 2007(W)

PETITIONER:

SHAMSUDEEN, S/O. PAREED,
AGED 41 YEARS, CHATHANKODATH HOUSE,
KOTTAPURAM, ERNAKULAM DISTRICT.

BY ADV. SRI.T.M.KOCHUNNI

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY THE SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. ALANGAD GRAMA PANCHAYAT, REPRESENTED BY ITS SECRETARY, NEERIKODE P.O., ALWAYE.

3. IBRAHIM, S/O. KUNJU MOHAMMED, AGED 42, VELAKKAPATTU VEEDU, KOTTAPURAM, ERNAKULAM DISTRICT.

R1 BY ADV. SMT. T.B. REMANI, GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 5450 OF 2007

Dated this the 20th day of February, 2007

JUDGMENT

Under Ext.P6 order passed by the 2nd respondent-Panchayat, a building constructed by the petitioner and to which the Panchayat had previously assigned a door number is ordered to be removed (demolished). The reasons stated in Ext.P6 is that the petitioner could secure number for the building from the Panchayat only by misrepresenting to the Panchayat. Learned Counsel for the petitioner, Mr.T.M.Kochunni, would submit that there has been no misrepresentation or fraud on the part of the petitioner. Whatever that be, I am of the view that the petitioner shall invoke his statutory remedies against Ext.P6 before invoking this Court's constitutional jurisdiction.

Under these circumstances, the Writ Petition will stand disposed of relegating the petitioner to remedy by way of appeal. However, there will also be a direction to the Panchayat not to take any compulsory action for demolition or removal of the building in question for a period of one month from today.

PIUS C. KURIAKOSE, JUDGE

btt